THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7490 of 2007

13.4.2007

Between:

Akarapu Chokkaiah, S/o.Somaiah

… Petitioner

AND

The Collector (Panchayat Wing), Warangal
And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7490 of 2007

ORDER:

The petitioner was elected as Sarpanch of Lakshmakkapalli Gram Panchayat in Warangal District in the elections held on 06.8.2006. By proceedings dated 23.3.2007, the District Collector suspended the petitioner for a period of three years on the ground that he was arrested on 23.2.2007 in a case of dowry death and was remanded to judicial custody. While suspending the petitioner, the District Collector exercised the power under Section 249(6) of the Andhra Pradesh Panchayat Raj Act, 1994 (the Act, for brevity). Aggrieved by the same, the present writ petition is filed.

Learned Counsel for the petitioner raised two submissions. First, under Section 249(6) of the Act, if a Sarpanch is arrested in a criminal case, the same cannot be a ground for suspending the Sarpanch. Secondly, every order of suspension has to be preceded by an opportunity of making a representation, which is denied to the petitioner.

The matter was heard yesterday and learned Assistant Government Pleader for Panchayat Raj was directed to get instructions in the matter. Today, after getting instructions, he does not deny that as required under the first proviso to Section 249(6) of the Act, the petitioner was not given any notice to make a representation on the proposed suspension. On this limited ground alone, the impugned order cannot be sustained. The same is, therefore, set aside and liberty is given to the first respondent to issue notice to petitioner and pass appropriate orders in accordance with law.

The writ petition, with the above observations, disposed of. No costs.

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(**V.V.S.RAO, J**)

April 13, 2007.

NOTE:
Dispatch order copy by
20.4.2007.
(By order)
YS